**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**
**APPEAL FROM ORDER NO.185 OF 2002**

M/s.Gupte Builders ...Appellants

Vs.

Ashok K. Shitole & Ors. ...Respondents

**CORAM: A.S.OKA, J.**
**DATED: JANUARY 28, 2005.**

**P.C.:**

1. Office noting shows that the learned Advocate for the Appellant has been permitted to withdraw his appearance by order dated 5th February 2003. Office noting also shows that on 25th September 2002 the learned Advocate for the Appellant after taking instruction from the Appellants agreed to deposit a sum of Rs.5,00,000/- in this Court with a view to show bonafides. Accordingly, four weeks time was granted to the Appellants to deposit the amount. This is noted in the order dated 25th September 2002 passed by this Court.

2. After Advocate for the Appellants was permitted to withdraw his appearance, court service notice was ordered to be issued to the Appellants. The Court service notice has returned unserved with the remark that the Appellants are not residing at the address mentioned in the Memorandum of Appeal. It is thus obvious that the Appellants have not complied with the provisions of Sub Rule 2 of Rule 14-A Order VI of the Code of Civil Procedure, 1908 by furnishing their correct address. Office noting shows that as per order dated

25th September 2002 a sum of Rs.5,00,000/- is not deposited by the Appellants till today.

3. The Advocate for the Appellants was permitted to withdraw his appearance after intimation was served to the Appellants. Till today the Appellants have not cared to engage any other advocate.

4. In view of this position, Appeal is dismissed with no order as to costs.

**Judge.**